

REMARKS

This Amendment responds to the Office Action dated July 23, 2004 in which the Examiner rejected claims 1, 2 and 4 under 35 U.S.C. §112 first paragraph, rejected claims 1-2 and 4-13 under 35 U.S.C. §102(b) and stated that claims 14-18 are allowed.

As indicated above, claims 1, 4, 5, 8, 10 and 12 have been amended to make explicit what is implicit in the claims, the amendment is unrelated to a statutory requirement for patentability.

Claims 1, 2 and 4 were rejected under 35 U.S.C. §112 first paragraph. Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. §112 first paragraph. In particular, Applicants respectfully bring the Examiner's attention to Figure 17, screen D161 and D1611 as well as the description found in the specification on page 37 line 23 through page 38 line 24. Applicants respectfully submit that the specification and drawings clearly provide support for the invention claimed in claims 1, 2 and 4. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1, 2 and 4 under 35 U.S.C. §112 first paragraph.

Claim 1 claims an image processing device and claim 4 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding a processing to be executed for the image by an indicator. Rank data is set up by a controller in accordance with a number of times the processing is commanded by the indicator. A deletion directional member directs deletion of an image recorded in the image recording

medium. A compressor compresses the image instead of deleting the image when the deletion of the image is directed. Finally, the compressed image is stored.

Through the structure and method of the claimed invention a) setting up rank data in accordance with the number of times processing is commanded and b) compressing an image instead of deleting an image when deletion of the image is directed as claimed in claims 1 and 4, the claimed invention provides an image processing device and method in which an image which is to be deleted is compressed rather than deleted so that an incorrect operation of the delete button prevents the image from being completely erased. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 4.

Claim 5 claims an image processing device and claim 8 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding a processing to be executed for the image by an indicator. A recorder records a time when the indicator commands processing. A timer measures an elapsed time since the recorder recorded. A controller changes the compression rate, which is set based upon rank for the image data, based on output from the timer or the measured elapsed time and date. The rank is set in accordance with the number of times processing is commanded.

Through the structure and method of the claimed invention a) setting a compression rate based upon rank for an image where rank is set in accordance with the number of times processing is commanded and b) changing the compression rate based upon elapsed time since an indicator commanded processing as claimed in claims 5 and 8, the claimed invention provides an image processing device and method which allows the compression rate to be altered in

accordance with rank of the image based on history data while decreasing file size. The prior art does not show, teach or suggest the invention as claimed in claims 5 and 8.

Claim 10 claims an image processing device and claim 12 claims an image processing method for processing images which are recorded in a recording medium. The device comprises commanding a process to be executed for an image by an indicator. A controller sets up a rank value based upon a number of times the processing is to be executed for the image. A recorder records a time when the indicator commands the processing. A timer measures an elapsed time since the time when the processing was commanded. A detector detects that the indicator gives no command for a predetermined time or more based upon the output from the timer. The controller sets a lower rank value when no command is given for the image for a predetermined time or more.

Through the structure and method of the claimed invention a) setting up a rank value based upon the number of times processing is to be executed for the image, and b) lowering the rank value when no command is given for a predetermined time or more from elapsed time from when an indicator commanded processing as claimed in claims 10 and 12, the claimed invention provides an image processing device and method which allows history data to be reevaluated over time. The prior art does not show, teach or suggest the invention as claimed in claims 10 and 12.

Claims 1-2 and 4-13 were rejected under 35 U.S.C. §102(b) as being anticipated by *Ichimura* (U.S. Patent No. 6,188,831).

Ichimura states at column 18 lines 51-57, that image data and/or audio data stored in a time-series data storage section 4 are compressed when the level of importance is low (such as when a preset time has elapsed since the data was stored), so as to form empty capacity in the memory of the time-series data storage section 4. Thus nothing in *Ichimura* shows, teaches or suggests a) setting up rank data in accordance with a number of times processing is commanded and b) when a deletion direction member directs to delete an image, a compressor compresses the image instead of deleting the image as claimed in claims 1 and 4. Rather, *Ichimura* merely discloses at column 18 lines 51-57 compressing data when the level of importance is low such as when a preset time has elapsed since the data was stored. In other words, nothing in *Ichimura* shows, teaches or suggests compressing an image instead of deleting an image when directed to delete an image.

Additionally, *Ichimura* merely discloses compressing data when the level of importance is low (col. 18, lines 51-57) and during compression of the image data, the compression ratio of intra-and inter-frame compression are dynamically changed (col. 24, lines 29-37). However, nothing in *Ichimura* shows, teaches or suggests a) setting up rank data according to a number of times processing is commanded and b) changing a compression rate based upon a measured elapsed time since a time when an indicator commands processing as claimed in claims 5 and 8. Rather, *Ichimura* merely discloses compressing data when the level of importance is low such as elapsed time since data was stored or dynamically changing the compression ratio during compression of the image data.

Finally, *Ichimura* merely discloses a time data storage section 7 outputs a compression process start command when an elapsed time, i.e. data storage time,

after the audio and image data have been recorded has reached a preset time (col. 17, lines 61-66). Nothing in *Ichimura* shows, teaches or suggests a controller which sets up a rank value in accordance with a number of time processing is executed and sets up a lower rank value based on detecting that an indicator gives no command for a predetermined time from an elapsed time since an indicator commands processing as claimed in claims 10 and 12. Rather, *Ichimura* merely discloses outputting a compression process start command when an elapsed time from a data storage time has reached a preset time.

Since nothing in *Ichimura* shows, teaches or suggests a) setting up rank data according to a number of times processing is commanded and when a deletion direction member directs deleting an image, a compressor compresses the image instead of deleting the image as claimed in claims 1 and 4, b) a controller which sets up rank data according to a number of times processing is commanded and which changes a compression rate based upon an elapsed time since an indicator commands processing as claimed in claims 5 and 8 and c) a controller which sets up a rank data according to a number of times processing is to be executed and which sets up a lower rank value based upon detecting that an indicator gives no command for a predetermined time based on an elapsed time since an indicator commands processing as claimed in claims 10 and 12, Applicants respectfully request the Examiner withdraws the rejection to claims 1, 4, 5, 8, 10 and 12 under 35 U.S.C. §102(b).

Claims 2, 6-7, 9, 11 and 13 depend from claims 1, 5, 8, 10 and 12 and recite additional features. Applicants respectfully submit that claims 2, 6-7, 9, 11 and 13 would not have been anticipated by *Ichimura* within the meaning of 35 U.S.C.

§102(b) at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2, 6-7, 9, 11 and 13 under 35 U.S.C. §102(b).

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.


If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.



By:

Ellen Marcie Emas
Registration No. 32,131

Date: October 22, 2004

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620